

JUN-09-2000 16:38

OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MURs 4291, 4307, 4328,
The Democratic-Republican-Independent)	4338, 4463, 4500, 4501,
Voter Education Committee, and)	4513, 4555, 4573 and 4578
C. Thomas Keegel, as Treasurer)	

CONCILIATION AGREEMENT

MUR 4328 was initiated by a signed, sworn, and notarized complaint by Maria Cino, as executive director of the National Republican Congressional Committee.

2 U.S.C. § 437g(a)(1). As they pertain to the Respondents herein, all of the other above-captioned matters were initiated by the Federal Election Commission ("Commission"), based on information ascertained in the normal course of its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). The Commission found probable cause to believe that the Democratic-Republican-Independent Voter Education Committee and its treasurer ("Respondents"), violated 2 U.S.C. § 434(b).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

- I The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).
- II Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Democratic-Republican-Independent Voter Education Committee ("the Committee"), a Respondent herein, is a political committee within the meaning of 2 U.S.C. § 431(4) and is the separate segregated fund of the International Brotherhood of Teamsters.
2. C. Thomas Keegel, a Respondent herein, is the treasurer of the Committee. Mr. Keegel is named in this Agreement in his capacity as the current treasurer of the Committee. He was not the Treasurer at the time of the violation. William W. Hamilton, Jr. was the Treasurer of the Committee at the time of the violation.
3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that political committees (other than authorized committees) report the name and address of each person who receives any disbursement in excess of \$200 within the calendar year in connection with an independent expenditure by the reporting committee, together with the date, amount and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is coordinated with any candidate, authorized committee, or agent of such committee. 2 U.S.C. § 434(b)(6)(B)(iii).
4. The term "independent expenditure" means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or

suggestion of, any candidate, or any authorized committee or agent of such candidate.

2 U.S.C. § 431(17).

5. The Committee reported a \$44,000 disbursement to Politics, Inc. as an operating expenditure on Schedule B of its June, 1995 Monthly Report.

6. The disbursement paid for radio advertisements broadcast in May, 1995, that criticized Rep. Nathan Deal for switching from the Democratic to the Republican party. The advertisements said, among other things, "Next year, say no deal, because nobody needs a Congressman like Nathan Deal."

7. The advertisements expressly advocated the defeat of Representative Nathan Deal in the 1996 election.

V. The Respondents violated 2 U.S.C. § 434(b) by incorrectly reporting payment for its May 1995 radio advertisements concerning Representative Nathan Deal's party switching as an operating expense, rather than as an independent expenditure, on its June 1995 Monthly Report.

VI. Respondents will:

1. pay a civil penalty to the Federal Election Commission in the amount of six thousand five hundred dollars (\$6,500.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. amend their June 1995 Monthly Report to reflect correctly that the \$44,000 disbursement to Politics, Inc. was an independent expenditure.

VII. This agreement does not constitute nor shall it be construed as an admission of personal wrongdoing of any kind by C. Thomas Keegel, the current treasurer of the Committee.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.


JUN-29-2000 16:39

OFFICE OF GENERAL COUNSEL

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

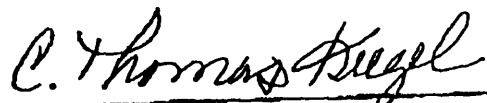
BY:


Lois G. Lerner
Associate General Counsel

Date

7/14/00

FOR THE RESPONDENTS:



(Name) C. THOMAS KEEGEL

(Position) GENERAL SECRETARY-TREASURER

Date

6/9/00